

IRON WORKERS ST. LOUIS DISTRICT
COUNCIL ANNUITY TRUST, et al.,

Case No. 4:14-CV-1298 JAR

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion for Contempt (Doc. No. 36). This action arises under the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1132, to collect delinquent contributions.


On August 14, 2014, a consent judgment was granted in favor of Plaintiffs in the amount of \$5,612.97 (Doc. No. 4). On December 15, 2016, this Court ordered a representative of Defendant Miller Building Group, LLC to appear for a post-judgment deposition and produce the records requested in the notice of deposition on January 18, 2017 at 10:00 a.m. at the offices of Plaintiffs' Counsel (Doc. No. 35). A copy of the Court's Order was mailed to Defendant on December 15, 2016 (id.). Plaintiffs' motion for contempt and the affidavit of attorney Michael A. Evans assert that Defendant did not appear at the deposition on January 18, 2017 or otherwise contact Plaintiffs' counsel and did not produce the requested documents. Plaintiffs now move for an order finding Defendant in contempt of this Court and imposing a compliance fine of \$200.00 per day for each day of Defendant's noncompliance. Plaintiffs also request they be granted their attorneys' fees and expenses incurred in bringing this motion.

Accordingly,

IT IS HEREBY ORDERED that a hearing is scheduled for **Thursday, February 23, 2017 at 2:00 p.m.** in the Thomas F. Eagleton United States Courthouse, 111 South 10th Street, St. Louis, Missouri 63102 at which Defendant Miller Building Group, LLC and its officer Jimmie Miller shall appear and show cause why civil contempt sanctions should not be imposed against it for failure to comply with this Court's Order of December 15, 2016.

IT IS FURTHER ORDERED that Plaintiffs shall effect service of this Order on Defendant's officer, Jimmie Miller, by whatever means they believe to be most effective, and shall promptly file a certificate of such service. Failure to show adequate evidence of prompt service may result in the continuation or cancellation of the contempt hearing.

Dated this 24th day of January, 2017.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE